

March 1, 2000

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL**

SUBJECT: Department of Development and Environmental Services File No. **L98P0006**

**EMERALD VISTA**  
Preliminary Plat Application

Location: Generally southeast of the intersection of 128<sup>th</sup> Avenue Southeast and  
Southeast Petrovitsky Road

Applicant: COBA Group, *represented by*  
**Craig Krueger**  
CORE Design Engineers  
4205 – 148<sup>th</sup> Avenue Northeast #200  
Bellevue, WA 98007  
Telephone: (425)

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

**PRELIMINARY MATTERS:**

Application or petition submitted:	February 3, 2000
Complete application:	March 3, 1998

**EXAMINER PROCEEDINGS:**

Hearing Opened:	February 22, 2000
Hearing Closed:	February 22, 2000

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.

A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Access: vehicular
- Recreation area
- Open space
- Subdivision design
- Right-of-way vacation

SUMMARY:

Grants preliminary plat approval to a 12.75 acre residential subdivision providing 30 lots for single-family (attached) townhouses and 2 lots for single-family (detached) dwellings.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information.**

Owner/Developer:	Madona Petitt 12905 SE Petrovitsky Rd. Renton, WA 98058 (425) 228-5134
Applicant:	COBA Group C/o Steve Jewett 800 Bellevue Wy. NE #422 Bellevue, WA 98004 (425) 462-2642
Engineer:	Group Four, Inc. 16030 Juanita-Woodinville Wy. NE Bothell, WA 98011 (425) 775-4581
Location:	Generally southeast of the intersection of 128 <sup>th</sup> Avenue Southeast and Southeast Petrovitsky Road
STR:	SE ¼ of 28-23N-5E & NE ¼ of 33-23N-5E
Zoning:	R6PSO
Acreage:	12.75 acres

Number of Lots:	32 lots (30 townhome lots/2 single-family res.)
Density:	2.51 DU/acre
Typical Lot Size:	Approximately 3,557 to 6,145 square feet
Proposed Use:	Single-family attached & detached
Sewage Disposal:	Soos Creek Water and Sewer District
Water Supply:	Soos Creek Water and Sewer District
Fire District:	No. 403
School District:	Renton School District & Kent School District
Complete Application Date:	March 3, 1998

2. **Applicant's Proposal.** The Applicant proposes to subdivide a 12.75 acre parcel into 32 residential building lots. Thirty of those lots, as presently proposed, would accommodate attached townhouses; two would accommodate traditional single-family detached dwellings. However, the Department has determined, upon the Applicant's request, that the presently proposed design would accommodate single-family residential development on the intended townhouse lots should the intentions of the developer change at some later time. This proposed development receives 41 "development credits" for providing a portion of the site to serve as a linkage for a King County regional trail, consistent with a King County Department of Natural Resources plan. At 2.51 dwelling units per acre, the proposed development falls within the density range authorized by the R-6 classification. The proposed development is generally illustrated by Attachment No. 1 of the Preliminary Report to the Hearing Examiner, dated February 22, 2000, prepared by the Department of Development and Environmental Services (Exhibit No. 2). The actual proposal is contained in this hearing record as Exhibit No. 21.
  
3. **State Environmental Policy Act.** On January 7, 2000, the Department issued a Mitigated Threshold Determination of Non-significance (MDNS). That is, the Department issued its determination that no Environmental Impact Statement need be prepared, *provided* that a specified mitigating measure be enacted. In this case, the required mitigating measure is based upon King County Comprehensive Plan Policy NE106. Based upon that policy, the MDNS requires a split rail or similar fence to be established along the west edge of the sensitive area tract labeled as "Tract J" prior to final plat approval. No person, agency, tribe or other entity appealed that determination.
  
4. **Department Recommendation.** The Department of Development and Environmental Services recommends granting preliminary approval to the proposed development, subject to the 27 conditions stated on pages 11 through 18 of the Department's preliminary report (Exhibit No. 2). The Department further agrees to modify those conditions in two ways: first, to substitute Exhibit No. 21, the Applicant's revised site plan, for an earlier site plan (Exhibit No. 7); and, to indicate that the open space requirement stated in Condition No. 19f is "approximate." In making that change, the Department observes that the particular open space regulated by Condition No. 19f is not necessary to satisfy the internal recreation requirements. Those requirements are satisfied by other tracts within the proposed development
  
5. **Applicant Response.** The Applicant accepts the Department's recommendation as described in Finding No. 4, above.

6. **Public Participation.** Other than representatives of the Department and the Applicant, no person appeared at the public hearing to offer testimony.
7. **Department Report Adopted.** The Department's Preliminary Report to the Hearing Examiner (Exhibit No. 2) is uncontested and found accurate. It is adopted and incorporated here by this reference.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

#### DECISION:

The proposed plat of Emerald Vista, File No. L98P0006, as depicted in Exhibit No. 21 of this hearing record (Revised Preliminary Plat drawing, dated February 22, 2000) is granted preliminary approval *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R6-PSO zone classification. All lots shall meet the minimum dimensional requirements of the R-6-PSO zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.

4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The Applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

Preliminary Fire Engineering approval has been granted based upon the following information provided:

- a. The project appears to be made up of multi-unit residential buildings, each being constructed on more than one lot. For the application of King County fire hydrant/fire flow requirements the buildings will be treated as commercial structures, subject to fire hydrant/fire flow/access and sprinkler requirements in place and determined at the time commercial building permit(s) are applied for.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
    - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
    - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.
    - c. The following note shall be shown on the final recorded plat:

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file.”

d. Core Requirement No. 3: Runoff Control:

Storm water runoff control shall be provided using standard detention design criteria to control the peak rate of discharge at the 2-year and 10-year storm events. The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180. The biofiltration swale shall also be located within the storm water tract unless otherwise approved by DDES. Based upon final design requirements, the size of the proposed drainage tract may need to increase to accommodate the required storage volumes and water quality facilities.

e. Special Requirement No. 4: Adopted Basin or Community Plans.

The site is located within the Upper Soos Creek drainage basin; however, the King County Soos Creek Basin plan does not require special storm water designs. Requirements for clearing and grading are identified by P-suffix condition number P-3 in the Soos Creek Community Plan. The applicable P-suffix requirements shall be addressed on the final engineering plans.

f. Special Requirement No. 5: Special Water Quality Controls.

The final drainage plans and analysis shall evaluate the threshold requirements in the drainage manual and determine if a wet pond is required. The King County sensitive area folio identifies a Class 2 stream and Class 1 wetland located within one mile of the project, therefore, if the amount of impervious surface subject to vehicular use exceeds one acre, a wet pond may be required.

g. Special Requirement No. 9: 100-year floodplain.

The stream and wetland corridor located adjacent to the site is mapped by FEMA as a 100-year floodplain. Based upon information from the 1995 federal flood mapping, the approximate 100-year flood elevation is 380.8 feet based upon National Geodetic Vertical Datum (NGVD). The boundaries of the floodplain shall be shown on the final engineering plans and recorded plat.

8. A permit from the Washington State Wildlife and Fisheries Department may be required for the proposed drainage pond and outfall design located adjacent to the wetland. The Applicant shall contact the state agency and submit any required permit to King County prior to engineering plan approval.
9. The engineering plans for this project shall identify the location of any wells on the site and provide notes which address the requirements for the contractor to abandon the well pursuant to requirements outlined in the Washington Administrative Code (WAC 173-160).
10. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. During preliminary review the Applicant submitted a road variance application (File No. L99V059) regarding intersection spacing and sight distance at the entrance to the project. The final road improvements shall comply with any required variance conditions of approval. The traffic signal plans, channelization, and other road design features at the intersection with Southeast Petrovitsky Road shall be reviewed and approved by the King County Roads Division prior to construction.
- b. Eight feet of right-of-way shall be dedicated along Southeast Petrovitsky Road to provide 50 feet from centerline. The existing driveway located along the frontage shall be removed and the curb and sidewalk restored.
- c. Southeast Petrovitsky Road is designated an arterial street which may require designs for bus zones and turnouts. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements. During preliminary review, the Renton school district has requested that a bus pullout be provided near the project entrance.
- d. 128<sup>th</sup> Avenue Southeast shall be improved as a full width urban subcollector extending from Southeast Petrovitsky Road to the intersection at Southeast 174<sup>th</sup> Place. The remaining portion of the road extending south to Southeast 176<sup>th</sup> Place shall be improved as an urban subaccess street.
- e. Off-site right-of-way (ROW) is required to accommodate construction of the full width roadway and intersection alignment at the project entrance. As shown on the preliminary plat, 20 feet of road right-of-way is proposed by dedication of land from the adjacent property owner. The right-of-way shall be obtained prior to final plat recording. To authorize construction on the adjoining property, the Applicant shall obtain an approval letter, temporary construction easement, or final dedication of right-of-way from the property owner and submit the documentation to King County prior to engineering plan approval. Based upon the current plat design, the additional 20 feet of ROW does not need to extend the full length of the common property line but rather be reduced to accommodate only as needed for the required road construction. The Applicant shall also reconstruct the existing driveway serving the Huber property in a manner acceptable to the property owner and DDES.
- f. Southeast 176<sup>th</sup> Place shall be improved as an urban subaccess street. 128<sup>th</sup> Place Southeast and Southeast 174<sup>th</sup> Place shall be improved as urban minor access streets.
- g. Tracts E and H shall be improved as private joint use driveways, which serve a maximum of two lots. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18-foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
- h. Tract D shall be improved as a private access tract serving proposed lots 7, 8 and 9. These lots shall have undivided ownership of the tract and be responsible for its maintenance. Improvements shall conform to KCRS 2.03 for urban minor access roads

which include 22 feet of paving. The minimum tract width shall be 26 feet with a

maximum length of 150 feet.

- i. As required by KCRS 5.03, street trees shall be included in the design of all road improvements.
  - j. Street illumination shall be provided at the intersection of Southeast Petrovitsky Road in accordance with KCRS 5.03.
  - k. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 10.8.
11. There shall be no direct vehicular access to Southeast Petrovitsky Road or from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
12. King County Code 16.82.150D requires seasonal limitations for construction within the Soos Creek drainage basin. During the period October 1 through March 31, clearing and grading is not allowed unless certain provisions are complied with as outlined in the code. The Applicant's engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.
13. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24, including the following requirements:
- a. The Class 1 wetland shall have a 100-foot buffer of vegetation as measured from the wetland edge.
  - b. A 15-foot BSBL shall be established from the edge of buffer. No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.
  - c. Sensitive area tracts shall be used to delineate and protect sensitive areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots and shown on the face of the plat.
  - d. Prior to commencing construction activities on the site, the Applicant shall mark sensitive areas tracts in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the sensitive areas are completed.
  - e. Prior to final approval of construction activities on the site, the boundary between the sensitive area tracts and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on approved plans. (KCC 21A.24.160). See SEPA condition for the installation of a fence along the western perimeter of Tract J.
  - f. A buffer enhancement plan shall be required during final engineering review. The enhancement plan shall need to be reviewed and approved by a DDES Senior Ecologist.



An enhancement plan is needed because of impacts associated with the construction of the bio-swale within the buffer, installation of the sewer line within the buffer, and the

removal of existing buildings and refuse located in the buffer. The enhancement shall be concentrated in the area known as Tract J.

- g. The Applicant shall post a bond to cover the mitigation enhancement proposal. The enhancement shall be monitored for a period of five years after completion to insure that the plan is successful. Monitoring reports shall be submitted on the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> years following completion of the mitigation work; and
- h. Prior to final recording and/or final engineering review, the plan set shall be routed to the sensitive areas group for approval.
- i. The following note shall be shown on the final engineering plan and recorded plat:

***RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS***

*Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, except as required for Soos Creek Regional Trail maintenance and construction within Tract K, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. Except as required for Soos Creek Regional Trail maintenance and construction within Tract K, the vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.*

*The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.*

*Except as required by Soos Creek Regional Trail maintenance and construction for Tract K, no building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.*

- 14. A temporary construction easement shall be granted to King County Department of Parks and Recreation to allow access to Tract K for construction of the Soos Creek Regional Trail.

15. Tract K—Transfer of Development Credit: Utilizing provisions of the Transfer of Development Credit (TDC) program (KCC 21A.55), Tract k has received certification for forty-one (41)

development credits based on qualification of a portion of each of the two parcels as Regional Trail/Natural Linkage (see Attachment No. 11). Prior to engineering plan approval, the Applicant shall comply with the conditions of TDC Sending Site Certification dated October 6, 1999, including but not limited to:

- a. A conservation easement will be placed on the sending site parcel (Tract K) at the time of issuance of the TDC Certificate (after preliminary plat approval) documenting that:
    1. All potential residential development and the associated transferable development credits have been removed from the sending site portion of the parcels.
    2. A regional trail corridor will be provided on the site.
    3. The site shall be maintained in its natural state except for necessary alteration to construct and maintain the Soos Creek Regional Trail linkage, bridge, and bridge abutment and other related facilities commonly used in connection with passive recreational uses.
  - b. The removal of, and/or subordination of, any and all monetary encumbrances, including but not limited to, mortgage or lien holder interest, mechanics liens and taxes due.
16. Notes as determined by King County Department of Parks and Recreation and DDES shall be placed on the face of the final plat, regarding the construction of utility lines and regional trail with Tract K.
17. Tract K—Conservation Easement. Prior to engineering plan approval, a conservation easement between the Applicant and King County Department of Natural Resources shall be placed upon Tract K which will expire upon transfer of interest and possession of Tract K at final recording to the King County Department of Parks and Recreation.
- a. The conditions of that easement shall be agreed upon by the Applicant, King County Department of Natural Resources and King County Department of Parks and Recreation as detailed in the conservation easement (Attachment D) of the TDC Certification Decision, dated October 6, 1999.
18. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The Applicants shall demonstrate compliance with these items prior to final approval.
- a. Split rail or similar fence approved by DDES shall be constructed along the west edge of the Sensitive Area Tract labeled as “Tract J” prior to final plat approval. Fencing details (design and construction) shall be shown on the engineering plans for DDES review and approval. This mitigation is intended to reduce disturbance within the protective buffer and associated wetlands.
19. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180

and KCC 21A.14.190 (i.e. sport court[s], children's play equipment, picnic table[s], benches, etc.).

- a. The Applicant shall provide a total of 12, 894 square feet of recreation space in three separate Recreation Space Tracts labeled Tract B, Tract C and Tract G. Tract C shall contain a minimum of 400 square feet of tot lot/play area consistent with the requirements of KCC 21A.14.190.
  - b. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
  - c. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in Item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
  - d. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
  - e. A 6-foot wide easement dedicated to the Home Owner's Association (HOA) shall be provided along the north edge of Tract E joint-use driveway extending from the east edge of 128<sup>th</sup> Avenue Southeast right-of-way to the south corner of Recreation Tract C. The 6-foot wide easement shall be improved with curb gutter and sidewalk. The south corner of Tract C shall be constructed to provide walking access for the residents of the subdivision to the pedestrian network along 128<sup>th</sup> Avenue Southeast.
  - f. Approximately 11,000 square feet shall be dedicated to the Home Owner's Association (HOA) as open space as labeled "Tract A" on the plat map dated February 2, 2000.
20. A homeowner's association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space areas.
21. Street trees shall be provided as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along Southeast Petrovitsky Road. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the

right-of-way, they shall be located no more than 20 feet from the street right-of-way line.

- d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowner's association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The Applicant shall contact Metro Service Planning at 684-1622 to determine if Southeast Petrovitsky Road is on a bus route. If Southeast Petrovitsky Road is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
  - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the Current County fees.
22. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid"; if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
23. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
24. All utilities within proposed rights-of-way must be included within a franchise approved by the

King County Council prior to final plat recording.

25. A final tree retention plan is to be submitted for engineering review consistent with the requirements of the Significant Trees Special Overlay District (SO-220), prior to engineering plan approval.
26. The existing home and outbuildings shall be removed prior to final recording.
27. In the event that Southeast 176<sup>th</sup> Place (also known as John Petrovitsky Road), from the east boundary of the parcel to the intersection of 128<sup>th</sup> Place Southeast is not vacated prior to final engineering approval, the subdivision will be redesigned. This may result in the reconfiguration and/or loss of lots.

ORDERED this 1<sup>st</sup> day of March, 2000.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 1<sup>st</sup> day of March, 2000, to the following parties and interested persons:

CORE Design  
Roger Dorstad  
Jacob Huber  
Charles W. Jackson  
Steve Jewett  
Craig Krueger  
Rich Lucas  
Linda Matlock  
John Mirante  
Eleanor Moon  
Cliff Mull  
Mary Nelson  
Madona Pettit

Nancy Thomas  
Connie Blumen  
Greg Borba  
Kim Claussen  
Peter Dye  
Thomas Eksten  
Nick Gillen  
Lori Hoover  
Kristen Langley  
Aileen McManus  
Carol Rogers  
Steven C. Townsend  
James Weaver  
Larry West

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before March 15, 2000**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before March 22, 2000**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business

day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

**MINUTES OF THE FEBRUARY 22, 2000 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L98P0006 – EMERALD VISTA:**

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were James Weaver and Pete Dye. Participating in the hearing and representing the Applicant was Craig Krueger of CORE Design Engineers. There were no other participants in this hearing.

**The following exhibits were offered and entered into the record on February 22, 2000:**

- |                |  |
|----------------|--|
| Exhibit No. 1  | DDES File No. L98P0006   |
| Exhibit No. 2  | DDES Preliminary Report to the Hearing Examiner, dated February 22, 2000   |
| Exhibit No. 3  | Application, dated February 3, 2000  |
| Exhibit No. 4  | Environmental Checklist, dated February 3, 2000  |
| Exhibit No. 5  | Mitigation Determination of Non-significance (MDNS), dated January 7, 2000   |
| Exhibit No. 6  | Affidavit of Posting indicating March 17, 1998 as date of posting and March 25, 1998 as the date the affidavit was received by DDES. |
| Exhibit No. 7  | Plat map, dated February 2, 2000   |
| Exhibit No. 8  | Land Use Map (Kroll), dated 605E   |
| Exhibit No. 9  | Assessors maps 28-23-05 & 33-23-05   |
| Exhibit No. 10 | Wetland Assessment Report, dated November 4, 1997  |
| Exhibit No. 11 | Level One Drainage Analysis, dated October 17, 1997  |
| Exhibit No. 12 | Traffic Impact Analysis, received December 16, 1998  |
| Exhibit No. 13 | Wildlife and Habitat Analysis Survey, received December 16, 1998   |
| Exhibit No. 14 | Road Vacation Application, File No. L98V2394, received March 26, 1999  |
| Exhibit No. 15 | Traffic Impact Analysis Addendum, received May 11, 1999  |
| Exhibit No. 16 | Conceptual Buffer Averaging Plan, received December 16, 1998   |
| Exhibit No. 17 | Transfer of Development Credits Calculations, received May 11, 1999  |
| Exhibit No. 18 | Revised Conceptual Buffer Averaging Plan, Received May 11, 1999  |
| Exhibit No. 19 | Transfer of Development Credit Report, dated October 6, 1999   |
| Exhibit No. 20 | Wetland Assessment Report Addendum, received January 27, 2000  |
| Exhibit No. 21 | Revised Plat, dated February 22, 2000  |
| Exhibit No. 22 | Electronic memorandum with drawings attached, from Lori Hoover, dated February 18, 2000  |

**The following exhibit was offered and entered into the record on February 25, 2000:**

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|----------------|--|
| Exhibit No. 23 | Letter of variance approval (L99V0059) for Emerald Vista, from Ronald J. Paanen of King County Road Services Division, to Bob Nehring of Group Four, dated February 18 |
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